

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

ANDREA HERRING,

Plaintiff,

v.

SCI TENNESSEE FUNERAL
SERVICES, LLC d/b/a EAST
LAWN MEMORIAL PARK AND
EAST LAWN FUNERAL HOME,

Defendant.

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No. 2:15-cv-00280-JRG-MCLC

Jury Demanded

HERRING DAMAGES LIST

Comes Plaintiff, by counsel and pursuant to this Court's Scheduling Order, and hereby offers her list of requested damages. Plaintiff's claims include those for sexual harassment/hostile work environment and retaliation, both of which are premised upon the laws prohibiting sex discrimination in employment. She is requesting the following damages for each claim. Defendant has not stipulated to these damages and thus a calculation has been done for each. If Plaintiff is successful as to any claim, she will file a petition for the Court to award reasonable attorney's fees.

1. Sexual Harassment/Hostile Work Environment

For this claim, Plaintiff requests an award of damages for emotional distress or mental anguish in an amount to be determined by the jury.

2. Retaliation

For this claim, Plaintiff requests back pay, the value of her benefits, reinstatement or front pay (the jury will establish amount to award for front pay, but it will only be awarded if

the Court determines reinstatement is not feasible), damages for emotional distress or mental anguish in an amount to be determined by the jury, and punitive damages in an amount to be determined by the jury. Plaintiff has calculated her back pay, front pay, and value of benefits as follows:

SCI Earnings—Family Services Counselor

Estimated \$45,000-\$60,000 per year---Midpoint \$52,500

Termination Date: 11/6/2013

Out of Work 12 months	\$52,500
Assistance from mom in exchange for work as needed for 10 months (housing) and occasional tips	Est \$700/mo <u>-\$7,000</u>
<i>TOTAL NET LOSS DURING YEAR 1</i>	<i>\$45,500</i>

November 2014 Work at Stonemoor	\$26,000
Continuing Differential from November 2014 forward at all post-SCI jobs	
	\$26,500/YR
	OR \$2,208/MO
Months between November 2014 and January 18 trial	39
<i>TOTAL NET LOSS NOVEMBER 2014 TO TRIAL</i>	<i>\$86,112</i>

TOTAL BACK PAY TO DATE OF TRIAL **\$131,612**

If the Court determines that reinstatement is not feasible, Plaintiff requests front pay using this continuing pay differential of \$26,500 per year or \$2,208 per month for a reasonable period of time to be set by the jury.

In terms of the value of her benefits, Plaintiff had excellent benefits at SCI, including family group health insurance, holiday pay, paid time off, 401(k), and dental and vision insurance. She estimates the value of those benefits to be 30% of her overall compensation. This would add an additional \$39,483.60 to the award of back pay.

Respectfully submitted,

BURNETTE, DOBSON & PINCHAK

By: s/ Donna J. Mikel

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CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of January, 2018, a copy of the foregoing document was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

By: s/ Donna J. Mikel